

REMARKS

Claims 1, 9 and 17 have been amended. Claims 1-3, 5-11 and 13-17 are pending in this application.

Claims 1-3, 5-11 and 13-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Tahara* (U.S. Patent No. 5,963,256), in view of *Johnston* (U.S. Patent No. 5,285,498) and *Ishino* (U.S. Patent No. 5,555,273).

The presently claimed invention, in relevant part, requires:

wherein the number-of-bits adjusting means includes means for calculating a re-calculated number of quantizing steps on the basis of the provisional number of quantizing steps for each channel and a comparison of the provisional number of in-use bits for each channel with the corresponding number of usable bits, wherein the re-calculated number of quantizing steps is greater than the provisional number of quantizing steps when the provisional number of in-use bits is less than the number of usable bits for the corresponding channel and is less than the provisional number of quantizing steps when the provisional number of in-use bits is greater than the number of usable bits for the corresponding channel, and

wherein the means for quantizing is for quantizing the normalized data obtained from the means for normalizing data on the basis of the re-calculated number of quantizing steps obtained from the means for re-calculating, and wherein the means for entropy coding is for entropy encoding the re-calculated quantized normalized data and for obtaining a number of in-use bits, wherein the means for entropy encoding compares the number of in-use bits for

each channel with the corresponding number of usable bits and obtains an adjusted number of in-use bits, which is less than or equal to the usable bits, by increasing the number of quantizing steps of the re-calculated quantized normalized data when the number of in-use bits for each channel is less than the corresponding number of usable bits and by decreasing the number of quantizing steps of the re-calculated quantized normalized data when the number of in-use bits for each channel is greater than the corresponding number of usable bits.

(Claim 1 (emphasis added); independent claims 9 and 17 contain similar limitations). The above features are believed to be described in the present application, for example, in FIGs. 2 and 4 and page 15, ln. 1-2 and 13-17; pg. 16, ln. 8-11. According to the claimed invention, the number of in-use bits for each channel advantageously can be allocated by "one try" which includes determining the provisional number of in-use bits for each channel during a first entropy coding and then during a second entropy coding obtaining an adjusted number of in-use bits for each channel by use of the provisional number of in-use bits and increasing or decreasing a number of quantizing steps. (See specification, for example, at pg. 6, ln. 21 - pg. 7, ln. 5).

Although the combination of the references, as applied by the Examiner, appears to describe comparing a calculated coded bit number with a predetermined bit rate and performing an iterative process until the coded bit number is reduced below the predetermined bit rate, the combination does not appear to disclose calculating a re-calculated number of quantizing steps, where the re-calculated number is less than and greater than the provisional number of quantizing steps, when the

provisional number of bits for a channel is, respectively, greater and less than the corresponding number of usable bits. In addition, the applied references, alone or in combination, do not appear to disclose or suggest obtaining an adjusted number of in-use bits, which is less than or equal to the corresponding usable bits, by increasing and decreasing the number of quantizing steps of the re-calculated quantized normalized data when, respectively, the number of in-use bits obtained for each channel is less than and greater than the corresponding number of usable bits, as required by the claimed invention.

Accordingly, it is respectfully submitted that amended independent claims 1, 9 and 17, and claims 2-3, 5-8, 10-11 and 13-16 which depend therefrom, are distinguishable over the applied combination.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 10/816,643

Docket No.: SONYJP 3.0-1070

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

Dennis M. Smid

Registration No.: 34,930

LERNER, DAVID, LITTENBERG,

~~KRUMHOLZ & MENTLIK, LLP~~

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

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